

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 15-CR-182-JHP
)	
SCOTT FREDRICK ARTERBURY,)	
)	
Defendant.)	

NOTICE OF APPEAL

The United States of America, by and through counsel, Danny C. Williams, Sr., United States Attorney for the Northern District of Oklahoma, and Andrew J. Hofland, Assistant United States Attorney, hereby provides notice, pursuant to 18 U.S.C. § 3731, that it appeals to the United States Court of Appeals for the Tenth Circuit from the Order of this Court, entered May 12, 2016 (Dkt. # 47), affirming and adopting the Report and Recommendation of the United States Magistrate Judge granting the motion to suppress, and the Order of this Court entered July 18, 2016 (Dkt. # 55), denying the United States' Motion to Reconsider (Dkt. # 51).

The filing of a timely notice of appeal under § 3731 divests the trial court of jurisdiction and confers jurisdiction on the Court of Appeals. *United States v. Todd*, 446 F.3d 1062, 1069 (10th Cir. 2006). Accordingly, all district court proceedings in this matter should be stayed pending the resolution of his appeal.

Respectfully submitted,

DANNY C. WILLIAMS, SR.
United States Attorney

/s/ Andrew J. Hofland

Andrew J. Hofland, WI Bar #1065503
Assistant United States Attorney
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119-1013
(918) 382-2700
andrew.hofland@usdoj.gov

CERTIFICATION OF APPEAL

The United States Attorney certifies that the appeal is not taken for purpose of delay and the evidence is a substantial proof of a fact material in the proceeding.

Respectfully submitted,

/s/ Danny C. Williams, Sr.
DANNY C. WILLIAMS, SR.
UNITED STATES ATTORNEY
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119-1013
(918) 382-2700

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of July, 2016, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

William Widell
Counsel for Defendant

/s/ Andrew J. Hofland
Andrew J. Hofland
Assistant United States Attorney